IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4868 OF 2004

Arihant Tournesol Ltd. & ors. ... Applicant

versus

Geoservices (India) Ltd. and

another ... Respondents

...

Mr. A.M. Bhatia, for the Applicant.

...

CORAM : A.M.KHANWILKAR,J.

1st December 2004

P.C.:

. It is argued that Cheque No. 020164 was issued on 8th March 1996, which was duly presented and as it was not realised, statutory notice was issued, but no complaint with reference to that cheque has been filed. Whereas, the present complaint has been filed with reference to Cheque No. 105284 dated 25th March 1996, which, in fact, was issued as duplicate cheque as the Applicants were given to understand that the earlier cheque was lost. On

this basis, it is argued that the casue of action was already exhausted with the presentation of the first cheque and non- filing of the complaint for return of that cheque. This submission, however, overlooks that the present complaint is with reference to the second cheque issued on 25th March 1996 and that cheque has been now returned upon presentation. In that sense, the return of the first cheque and non-filing of complaint for that will make no difference to the filing of the complaint in relation to the second cheque issued on 25th March 1996. Hence, not a case for interference. Dismissed.

(A.M.KHANWILKAR,J.)